

SHB 1037 - H AMD 202

By Representative Shea

FAILED 03/06/2015

1 On page 20, beginning on line 36, strike all of subsection (d) and  
2 insert the following:

3 "~~((d) **Residential schedule.** The court may deviate from the  
4 standard calculation if the child spends a significant amount of time  
5 with the parent who is obligated to make a support transfer payment.  
6 The court may not deviate on that basis if the deviation will result  
7 in insufficient funds in the household receiving the support to meet  
8 the basic needs of the child or if the child is receiving temporary  
9 assistance for needy families. When determining the amount of the  
10 deviation, the court shall consider evidence concerning the increased  
11 expenses to a parent making support transfer payments resulting from  
12 the significant amount of time spent with that parent and shall  
13 consider the decreased expenses, if any, to the party receiving the  
14 support resulting from the significant amount of time the child spends  
15 with the parent making the support transfer payment.))"~~

16

17 On page 23, after line 27, insert the following:

18 "NEW SECTION. **Sec. 7.** A new section is added to chapter 26.19  
19 RCW to read as follows:

20 (1) The court shall make an adjustment to the standard calculation  
21 for a shared residential schedule subject to the provisions in this  
22 section.

23 (2) An adjustment to the standard calculation based on the  
24 residential schedule may be made if there is a court order or findings  
25 made by an administrative law judge regarding the number of overnights  
26 the child or children spend with the obligor parent, and the number of  
27 overnights allocated to the obligor is equivalent to at least fourteen

1 percent of annual overnights. The number of overnights in the court  
2 order or administrative law judge's findings must be used to calculate  
3 the residential adjustment. The findings made by an administrative  
4 law judge may be based upon a written agreement between the parents or  
5 upon sworn testimony provided by a party at the administrative hearing  
6 for child support.

7 (3) The adjustment must be based on the table in section 8 of this  
8 act and the formula set forth in the worksheet for calculating  
9 residential credit.

10 (4) An adjustment may not be made to the standard calculation  
11 based on the shared residential schedule if:

12 (a) The adjustment would result in insufficient funds in the  
13 household receiving the support transfer payment to meet the basic  
14 needs of the child;

15 (b) The obligee's net income before receiving the support transfer  
16 payment is at or below one hundred twenty-five percent of the federal  
17 poverty level guidelines for one person; or

18 (c) The child is receiving temporary assistance for needy  
19 families.

20 (5) To help parties estimate residential credit, the division of  
21 child support shall, if feasible and within available resources,  
22 create a residential credit calculator available online.

23  
24 NEW SECTION. **Sec. 8.** A new section is added to chapter 26.19 RCW  
25 to read as follows:

26 Residential time table. The TOTAL column represents the  
27 anticipated total out-of-pocket expenses expressed as a percentage of  
28 the basic child support obligation that will be incurred by the parent  
29 who will pay child support. The total expenses are the sum of  
30 transferred and duplicated expenses. The DUPLICATED column represents  
31 the duplicated expenses and reflects the assumption that when there is  
32 an equal sharing of residential time, fifty percent of the basic child  
33 support obligation will be duplicated. The number of annual  
34

1 overnights column will determine the particular fractions of TOTAL and  
2 DUPLICATED to be used in the residential time credit worksheet.

3

4

ANNUAL OVERNIGHTS

5

FROM	TO	TOTAL	DUPLICATED
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6

1	51	0.000	0.000
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7

52	55	0.062	0.011
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8

56	60	0.070	0.014
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9

61	65	0.080	0.020
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10

66	70	0.093	0.028
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11

71	75	0.108	0.038
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12

76	80	0.127	0.052
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13

81	85	0.150	0.070
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14

86	90	0.178	0.093
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15

91	95	0.211	0.122
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16

96	100	0.250	0.156
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17

101	105	0.294	0.195
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18

106	110	0.341	0.237
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19

111	115	0.388	0.280
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20

116	120	0.434	0.321
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21

121	125	0.476	0.358
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22

126	130	0.513	0.390
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23

131	135	0.544	0.417
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24

136	140	0.570	0.438
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25

141	145	0.591	0.454
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26

146	150	0.609	0.467
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27

151	155	0.623	0.476
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28

156	160	0.634	0.483
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29

161	165	0.644	0.488
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30

166	170	0.652	0.491
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31

171	175	0.660	0.494
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32

176	180	0.666	0.495
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33

181	183	0.675	0.500
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34 "

1 Renumber the remaining sections consecutively.

2

3 On page 25, after line 29, insert the following:

4 "Sec. 8. RCW 26.19.050 and 2005 c 282 s 37 are each amended to  
5 read as follows:

6 (1) The administrative office of the courts shall develop and  
7 adopt worksheets and instructions to assist the parties and courts in  
8 establishing the appropriate child support level and apportionment of  
9 support. The administrative office of the courts shall develop and  
10 adopt a worksheet for calculating residential credit that is  
11 consistent with the intent set forth in section 1 of this act. The  
12 administrative office of the courts shall attempt to the greatest  
13 extent possible to make the worksheets and instructions understandable  
14 by persons who are not represented by legal counsel.

15 (2) The administrative office of the courts shall develop and  
16 adopt standards for the printing of worksheets and shall establish a  
17 process for certifying printed worksheets. The administrator may  
18 maintain a register of sources for approved worksheets.

19 (3) The administrative office of the courts should explore methods  
20 to assist pro se parties and judges in the courtroom to calculate  
21 support payments through automated software, equipment, or personal  
22 assistance."

23

24 Renumber the remaining section consecutively and correct the  
25 title.

26

27

EFFECT: Provides that the court must make an adjustment to the standard calculation, rather than a deviation, where there is a shared residential schedule for a child. There must be a court order or administrative law judge findings regarding the number of overnights, which must be equivalent to at least 14 percent of the annual overnights. The adjustments must be made based on a new table and a formula set forth in a worksheet for calculating residential credit, which must be developed by the AOC consistent with the intent of the workgroup. An adjustment may not be made if:

(1) it would result in insufficient funds to the receiving household to meet the basic needs of the child; (2) the obligee's net income before receiving child support is at or below 125 percent of the federal poverty guidelines for one person; or (3) the child is receiving TANF.

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